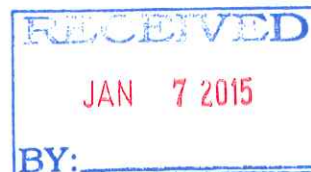


Amendment Application

Applicant	Name: Redwood General Contractors
	Address: 1820 Briarwood Industrial Ct., N.E., Ste. 1, Atlanta, GA 30329
	Phone: 404-281-8543 Fax: 404-795-0761 Email: jason_d_morris@yahoo.com
Property Owner	Owner's Name: Ouida Thomas Edwards; Power of Attorney by Olivia J. Dodson
	Owner's Address: 2940 Caldwell Rd., Atlanta, GA 30319
	Phone: 770-986-7885 Fax: Email: olivia@ecgreateratlanta.com
Property Information	Property Address: 2940 Caldwell Rd. Parcel Size: .520 acres
	Parcel ID: 18-272-06-001
	Current Zoning Classification: R-60
	Requested Zoning Classification: RM-100
Questionnaire	1. Is the zoning proposal in conformity with the policy and intent of the comprehensive plan? See attached Statement of Intent
	2. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties? See attached Statement of Intent
	3. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned? See attached Statement of Intent
	4. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? See attached Statement of Intent
	5. Are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for either approval or disapproval of the zoning proposal? See attached Statement of Intent
	6. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources? See attached Statement of Intent
	7. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?
Affidavit	To the best of my knowledge, this zoning application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Brookhaven Zoning Ordinance.
	Applicant's Name: Jason Morris Date: 1-6-15
Notary	Applicant's Signature: [Signature] Date: 1-6-15
	Sworn to and subscribed before me this 6 Day of January, 2015
	Notary Public: SHWETA ARORA Signature: [Signature] My Commission Expires: 03-29-2015

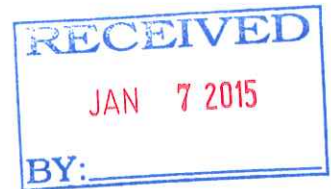
SHWETA ARORA
Notary Public
Gwinnett County
State of Georgia
My Commission Expires Mar 29, 2015



**Property Owner(s)
Notarized Certification**

The owner and petitioner acknowledge that this Zoning Map Petition application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for zoning amendment, and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Property Owner (If Applicable)	Signature: <u>Devin Dodson</u>	Date: <u>1-6-15</u>	
	Address: <u>2940 Caldwell Rd</u>	City, State: <u>Atlanta</u>	Zip: <u>30319</u>
	Phone: <u>770-842-5352</u>		
	Sworn to and subscribed before me this <u>6</u> day of <u>January</u> , 20 <u>15</u>		
Property Owner (If Applicable)	Notary Public: <u>Shweta Arora</u>	<div style="border: 1px solid black; padding: 5px; text-align: center;">SHWETA ARORA Notary Public Gwinnett County State of Georgia My Commission Expires Mar 29, 2015</div>	
	Signature:	Date:	
	Address:	City, State:	Zip:
	Phone:		
Property Owner (If Applicable)	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		
	Signature:	Date:	
	Address:	City, State:	Zip:
Property Owner (If Applicable)	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		

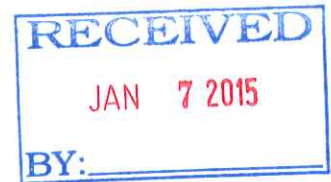


Applicant/Petitioner Notarized Certification

Petitioner states under oath that: (1) he/she is the executor or Attorney-In-Fact under a Power-of-Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner"); (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

Applicant / Petitioner	Signature: <u>[Signature]</u>	Date:	
	Address: 1820 Briarwood Ind. Ct. #1	City, State: Atlanta	Zip: 30329
	Phone: 404-281-8542		
	Sworn to and subscribed before me this <u>6</u> day of <u>January</u> , 20 <u>15</u>		
Attorney / Agent	Notary Public: <u>[Signature]</u>		
	Signature: <u>[Signature]</u>	Robert D. Griest	Date:
	Address: 1230 Peachtree St. NE	City, State: Atlanta, GA	Zip: 30309
	Phone: Ste. 3100 (404) 815-3617		
Attorney / Agent	Sworn to and subscribed before me this <u>6th</u> day of <u>January</u> , 20 <u>15</u>		
	Notary Public: <u>[Signature]</u>		

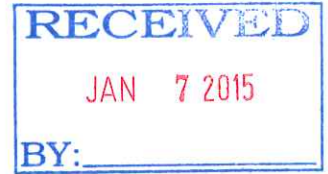




Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Brookhaven City Council or a member of the City of Brookhaven Planning Commission?

Applicant / Owner	Signature: <u>Quana Dodson</u>
	Address: <u>2940 Caldwell Rd. Atlanta, GA 30319</u>
	Date: <u>1-6-15</u>

[illegible]

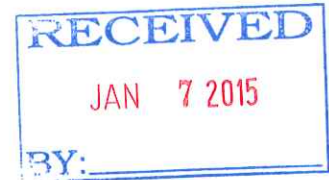


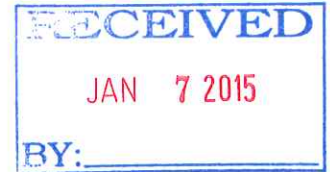
Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Brookhaven City Council or a member of the City of Brookhaven Planning Commission?

☒ No


Applicant / Owner	Signature: <u>JJ Morris</u>
	Address: <u>1820 Briarwood Industrial Court Suite 2</u>
	Date: <u>1/6/15</u>

[illegible]

[illegible]



Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Brookhaven City Council or a member of the City of Brookhaven Planning Commission?

Applicant / Owner	Signature: 	Smith, Gambrell & Russell, LLP
	Address: 1230 Peachtree St., NE, Ste. 3100, Atlanta, GA30309	
	Date: 1/6/15	

[illegible]

RECEIVED

JAN 7 2015

BY: _____

POWER OF ATTORNEY

STATE OF GEORGIA

KNOW ALL PERSONS BY THESE PRESENTS, that I, OUIDA THOMAS EDWARDS, to protect my interests, hereby make, constitute and appoint my daughter, OLIVIA J. DODSON, my true and lawful attorney-in-fact, giving and granting unto said attorney-in-fact full and complete power and authority, except as expressly limited herein, to act for me and in my name, place and stead concerning any and all part of my property; generally to do, execute and perform all and every act or acts whatsoever necessary to be done for me; and in my name to do, execute and perform as largely and amply to all intents and purposes as I could do if I were personally present. By these presents I hereby ratify and confirm all that said attorney-in-fact shall do by virtue hereof. In the event my said daughter is not able to serve as my attorney-in-fact hereunder, I hereby make, constitute and appoint my grandson, DAVID PENDLETON DODSON, my true and lawful attorney-in-fact, giving and granting unto said attorney-in-fact full and complete power and authority to act.

I specifically authorize said attorney to sign checks and to deposit and withdraw funds from my checking and savings accounts. I expressly confer upon said attorney-in-fact full and complete powers to buy, sell, lease or encumber real estate, including, but not limited to, the property identified as 2940 Caldwell Rd., Atlanta, GA 30319 and to buy, sell, surrender, redeem, exchange, encumber and otherwise transfer, any and all stocks, bonds, mutual funds or other securities that I may own, whether publicly traded or privately held, both within and without Georgia, with whatever device or devices said attorney's judgment may dictate, and to pay from my funds such brokerage fees as may be necessary in connection therewith; to borrow or lend money in my name, and to operate whatever business I may possess or have an interest in, in the same capacity as I could do if I were present. I expressly give to said attorney full and free access to any safe deposit box or vault which may be held in my name, and hereby specifically appoint said attorney as my deputy for the purpose of going into said box or vault.

It is my desire that my said attorney employ and compensate, out of my income or principal or both, any persons or institutions said attorney deems helpful to advise or assist in the performance of said attorney's services hereunder including, but not limited to, agents, accountants, brokers, attorneys at law, appraisers, investment advisors, real estate agents, or any other similar adviser or assistant, without any liability for any neglect, omission, misconduct, or default of such agent or representative, provided such agent or representative was selected and retained with due care on the part of said attorney.

With respect to any qualified retirement plan, annuity contract or custodial account described in Section 401, 403(b) or 457 of the Internal Revenue Code of 1986, as amended ("Code"), or individual retirement account or any other tax-deferred account or annuity in which I have an interest, said attorney shall be authorized to make withdrawals from any such plans or accounts in accordance with their terms for my benefit; make investment decisions; and change the custodians or trustees. Said attorney shall be authorized to open an Individual Retirement Account (IRA) on my behalf and to undertake all steps necessary to effectuate a qualified rollover, in accordance with Section 402 of the Internal Revenue Code, of any IRA owned by my spouse, and of which I am the designated beneficiary at the time of my spouse's death.

I expressly authorize said attorney to make any disclaimers or renunciations of gifts or bequests that I would otherwise receive whenever such disclaimers or renunciations are deemed appropriate by my advisors and I am unable to exercise my rights to disclaim or renounce due to mental or physical incapacity as determined in the sole discretion of my then attending physician, provided, however, that said attorney have no ability to determine the disposition or beneficial enjoyment of such assets following such disclaimer.

I expressly authorize said attorney to transfer any of my real or personal property to any trust which has been established for my benefit, but only if the assets of such trust are ultimately distributed to my estate, to exercise any authority I may have to amend any trust other than to change the beneficiaries thereof, and to make transfers to any irrevocable trusts that I may have established to enable such trust to pay premiums on any policies insuring my life that may be owned by the trust or for any other purpose.

For the years 2006 through 2036, I specifically authorize said attorney to prepare, execute and file any and all tax returns required by the laws of the United States or by the laws of any state or subdivision thereof, including but not limited to Form 1040, Form 709 and amendments to same, to file refund claims, and to represent me in connection with all tax matters or disputes, including but not limited to the compromise and settlement of same, in the same capacity as I could do if I were present.

I expressly authorize said attorney to make annual gifts to each of my descendants, which, for each donee in any calendar year, shall be in equal amounts and may not exceed the annual exclusion amount then in effect for federal gift tax purposes, and to pay directly the tuition and medical expenses of my descendants to the extent such payments constitute qualified transfers which are exempt from federal gift tax making reasonable efforts to equalize any such gifts among my descendants of the same generation; however, in no event shall said attorney be authorized to make such payments of tuition or medical expenses if any such payment would satisfy a legal obligation of said attorney of support or otherwise.

It is to be expressly understood that the above powers do not in any way limit the general powers herein conveyed to my attorney-in-fact to act for me and in my stead, and to do or act the same as I could do if I were present.

NOTICE: I UNDERSTAND THAT THIS POWER OF ATTORNEY GIVES MY ATTORNEY IN FACT BROAD POWERS TO MAKE HEALTH CARE DECISIONS FOR ME, INCLUDING POWER TO REQUIRE, CONSENT TO, OR WITHDRAW ANY TYPE OF PERSONAL CARE OR MEDICAL TREATMENT FOR ANY PHYSICAL OR MENTAL CONDITION AND TO ADMIT ME TO OR DISCHARGE ME FROM ANY HOSPITAL, HOME, OR OTHER INSTITUTION; BUT NOT INCLUDING PSYCHO-SURGERY, STERILIZATION, OR INVOLUNTARY HOSPITALIZATION OR TREATMENT RELATED TO MENTAL ILLNESS OR THE USE OF ALCOHOL OR DRUGS FOR WHICH SPECIFIC PROCEDURES ARE PROVIDED BY LAW TO INSURE THAT I OR MY REPRESENTATIVE RECEIVE NOTICE AND A HEARING WITH RESPECT TO THE APPROPRIATENESS OF SUCH INVOLUNTARY HOSPITALIZATION OR TREATMENT. SUCH PROCEDURES ARE PROVIDED BY TITLE 37 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED. I REALIZE THAT THIS DOES NOT IMPOSE A DUTY ON SAID ATTORNEY TO EXERCISE THE POWERS GRANTED HEREIN; HOWEVER, WHEN A POWER IS EXERCISED, SAID ATTORNEY WILL BE REQUIRED TO USE DUE CARE TO ACT FOR MY BENEFIT. I RECOGNIZE THAT SAID ATTORNEY MAY EXERCISE THE POWERS GIVEN IN THIS POWER THROUGHOUT MY LIFETIME, EVEN AFTER I BECOME DISABLED, INCAPACITATED OR INCOMPETENT, UNLESS REVOKED BY ME OR A COURT ACTING ON MY BEHALF, AND EXCEPT THAT SAID ATTORNEY SHALL HAVE NO AUTHORITY TO MAKE A PARTICULAR HEALTH CARE DECISION DIFFERENT FROM MY DECISION IF I AM ABLE TO UNDERSTAND THE NATURE OF THE HEALTH CARE PROCEDURE BEING CONSIDERED, SUCH ABILITY TO BE DETERMINED BY MY ATTENDING PHYSICIAN BASED ON HIS OR HER GOOD FAITH JUDGMENT.

In the event I am in need of medical treatment while outside Georgia, it is my intent that this power of attorney be given full force and effect to the extent allowed under the law of the jurisdiction where such treatment is to be provided.

I specifically authorize said attorney to act for me and in my name in any way I could act in person to make any and all decisions for me concerning my personal care, medical treatment, hospitalization, and health care and to require, withhold, or withdraw any type of medical treatment or procedure even though my death may ensue. Said attorney shall also have full power to make a disposition of any part or all of my body for medical purposes, authorize an autopsy of my body, and direct the disposition of my remains.

For purposes of compliance with the privacy rules of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), all of my health care providers, including any insurers, who are covered by HIPAA and the Medical Information Bureau, Inc. shall treat my said attorney as my Personal Representative. Said attorney shall have the same access to my individually identifiable health information and other medical records that I would have, including the right to disclose the contents to others. The authority of my said attorney as my Personal Representative shall expire only in the event that I revoke such authority in writing and deliver same to the health care provider. This access shall also be available with respect to any opinion requested of any of my physicians relating to my mental competency.

THE ABOVE GRANT OF POWER IS INTENDED TO BE AS BROAD AS POSSIBLE SO THAT SAID ATTORNEY WILL HAVE AUTHORITY TO MAKE ANY DECISION I COULD MAKE TO OBTAIN OR TERMINATE ANY TYPE OF HEALTH CARE, INCLUDING WITHHOLDING OR WITHDRAWAL OF NOURISHMENT AND FLUIDS AND OTHER LIFE-SUSTAINING OR DEATH-DELAYING MEASURES, IF SAID ATTORNEY BELIEVES SUCH ACTION WOULD BE CONSISTENT WITH MY INTENT AND DESIRE.

This power of attorney is made in contemplation of, and is not to be revoked by, any determination made subsequent to the date of execution of this instrument that I am unable properly to manage my affairs. In the event that the appointment of a guardian of my person or property becomes necessary, I nominate and appoint my said attorney-in-fact to so serve.

I HEREBY AGREE THAT ANY THIRD PARTY RECEIVING A FULLY SIGNED AND NOTARIZED COPY OF THIS INSTRUMENT MAY ACT HEREUNDER AND THAT REVOCATION OR TERMINATION HEREOF SHALL BE INEFFECTIVE AS TO SUCH THIRD PARTY UNLESS AND UNTIL ACTUAL NOTICE OR KNOWLEDGE OF SUCH REVOCATION OR TERMINATION SHALL HAVE BEEN RECEIVED BY SUCH THIRD PARTY; AND I, FOR MYSELF AND MY HEIRS AND PERSONAL REPRESENTATIVES, HEREBY AGREE TO INDEMNIFY AND HOLD HARMLESS SUCH THIRD PARTY FROM AND AGAINST ANY AND ALL CLAIMS THAT MAY ARISE AGAINST SUCH THIRD PARTY BY REASON OF SUCH THIRD PARTY'S RELIANCE ON THE PROVISIONS OF THIS INSTRUMENT OR UPON ANY DIRECTIONS, REPRESENTATIONS, DECISIONS OR ACTS OF MY ATTORNEY-IN-FACT NAMED HEREIN.

ANY THIRD PARTY TO WHOM THIS DURABLE POWER OF ATTORNEY IS PRESENTED MAY RELY UPON AN AFFIDAVIT BY MY ATTORNEY-IN-FACT STATING THAT, TO THE BEST OF SAID ATTORNEY-IN-FACT'S KNOWLEDGE AND BELIEF, I AM THEN LIVING, THAT THIS POWER OF ATTORNEY HAS NOT BEEN REVOKED OR TERMINATED AND THAT IT IS PRESENTLY IN FULL FORCE AND EFFECT.

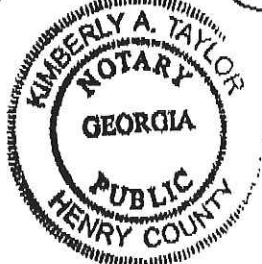
I hereby revoke any and all powers of attorney previously executed by me which grant any powers granted herein except any power of attorney granted by me with respect to any accounts with a particular financial institution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal to this my Power of Attorney on May 8th, 2007.

Ouida Thomas Edwards (Seal)
OUIDA THOMAS EDWARDS

Sworn to and subscribed before me on
May 8, 2007.

Linda App
Unofficial Witness
Kimberly A. Taylor
Notary Public



Notary Public, Henry County, Georgia
My Commission Expires June 27, 2010

ORIGINAL

Cross Reference to:

Recorded in DeKalb County Superior Court
Records Book 2626 Page 654

PREPARED BY/RETURN TO:
Law Office of Stephen H DeBaun
3758 LaVista Rd., Ste. 100
Tucker, Georgia 30084

2009171376 DEED BOOK 21670 Pg 178



Real Estate Transfer Tax \$0.00

Filed and Recorded:

10/1/2009 4:13:34 PM

Linda Carter
Clerk of Superior Court
DeKalb County, Georgia

STATE OF GEORGIA
COUNTY OF DeKALB

EXECUTOR'S DEED

Know All Men by These Presents, that I, OUIDA C. EDWARDS, of DeKalb County, Georgia, Executrix of the Last Will and Testament of WILLIAM HAROLD EDWARDS, late of DeKalb County, Georgia, deceased, which Will was duly approved and allowed by the Probate Court for said County on the 30th day of January, 2008, do by virtue and in execution of the power to me given in and by said Will, and of every other power and authority me hereunto enabling, and in consideration of the sum of One Dollar (\$1.00) to me paid by OUIDA C. EDWARDS, the receipt whereof is hereby acknowledged, hereby grant, bargain, sell, and convey unto the said OUIDA C. EDWARDS, all that tract or parcel of land lying and being in Land Lots 273 and 272 of the 18th District of DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin located on the northwesterly side of Caldwell Road 1300.5 feet southwesterly from the northwest intersection of Redding Road and Caldwell Road; thence southwesterly along the northwesterly side of Caldwell Road 70 feet to an iron pin; thence northwesterly 254.6 feet to an iron pin; thence northeasterly 110.8 feet to an iron pin; thence southeasterly 249.6 feet to the iron pin on the northwesterly side of Caldwell Road and the point of beginning, being known as the property of William Harold Edwards as per survey prepared by C. S. Mercer, Jr., Registered Land Surveyor, dated February 9, 1965, known as Lot 1 of the Thomas J. Northcutt Subdivision, according to plat recorded in Plat Book 15, page 103, DeKalb County records.

To have and to hold the above granted premises, with all the privileges and appurtenances thereto belonging, to the said OUIDA C. EDWARDS, and his heirs and assigns, to their own use and behoof forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto placed his hand and affixed his seal this 29th day of September, 2009.

Ouida C. Edwards as Executrix
Ouida C. Edwards, Executrix of the
Estate of William Harold Edwards, deceased

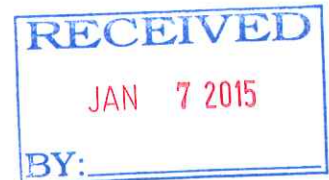
Signed, sealed and delivered
in the presence of:

Sarah R Keller
Unofficial Witness

Theresa A. Wilhite
Notary Public
My commission expires:



**Land Use Application
Public Participation Plan & Report
Part 1**



**Redwood General Contractors, LLC
18-272-06-001**

PROPERTY OWNER	ADDRESS	PARCEL ID
Oglethorpe University	4484 Peachtree Rd., NE	18-273-04-004
Brookhaven Christian Church	4500 Peachtree Rd., NE	18-273-04-005
Oglethorpe University	4484 Peachtree Rd., NE	18-273-01-001
MARTA	4321 Peachtree Rd.	18-273-03-008
Southern Railroad	4495 Peachtree Rd.	18-273-03-002
Sylvia M. Sultenfuss	3317 Alden Place Dr.	18-272-06-014
Jeffrey Scott Dernavich	3321 Alden Place Dr.	18-272-06-015
Robert Charles Bohn	3327 Alden Place Dr.	18-272-06-016
Patricia Ogawa	3331 Alden Place Dr.	18-272-06-017
Andrea L. Lewis	3335 Alden Place Dr.	18-272-06-018
Catherine F. Savage	3339 Alden Place Dr.	18-272-06-019
David W. Mauterer	3338 Alden Place Dr.	18-272-06-020
Kathryn Renee Murphy	3334 Alden Place Dr.	18-272-06-021
Dana Wilson	3328 Alden Place Dr.	18-272-06-022
Alexander Michaud	3322 Alden Place Dr.	18-272-06-023
Jerome M. Travers	3318 Alden Place Dr.	18-272-06-024
Christopher Nash	3330 Ashford Park Ct.	18-272-06-025
Barbara R. Christjohn	3336 Ashford Park Ct.	18-272-06-026
Dan Kremer	3342 Ashford Park Ct.	18-272-06-027
Ronald and Robin Zimmerman	3346 Ashford Park Ct.	18-272-06-028
Bruce Weile Kirst	3350 Ashford Park Ct.	18-272-06-029
Jared Blake Thornhill and Laurie Ann Williams	3356 Ashford Park Ct.	18-272-06-030
Missy My Quach	3362 Ashford Park Ct.	18-272-06-031
Thomas and Julie Jones	3363 Ashford Park Ct.	18-272-06-041
Sloan and Lori Clardy	3343 Ashford Park Ct.	18-272-06-042
Michael and Alison Louie	3331 Ashford Park Ct.	18-272-06-043
Darron Aldan Berrie, Jr.	2986 Caldwell Rd.	18-272-06-044
Charles D. Land, Jr.	2923 Ashford Rd.	18-272-05-001
Estate of Stewart Robert Eckert Anna J. Herrera	2892 Ashford Rd.	18-272-02-014
Keri E. Albert	2902 Ashford Rd.	18-272-02-015
Jeanene Fowler	2908 Ashford Rd.	18-272-02-016
Ashford Road LLC	2916 Ashford Rd.	18-272-02-017
Jennifer and John Dowd	2955 Caldwell Rd.	18-272-02-020
Federal National Mortgage Association	2941 Caldwell Rd., Unit A1	18-272-16-002

PROPERTY OWNER	ADDRESS	PARCEL ID
Stephen Callaghan	2941 Caldwell Rd., Unit A2	18-272-16-003
Kitty K. Deal	2941 Caldwell Rd., Unit A3	18-272-16-004
ROL LLC	2941 Caldwell Rd., Unit A4	18-272-16-005
Kristian D. Rosser	2941 Caldwell Rd., Unit B1	18-272-16-006
Debra A. Bryant	2941 Caldwell Rd., Unit B2	18-272-16-007
Jill Darlene Dixon	2941 Caldwell Rd., Unit B3	18-272-16-008
Denise A. Sanford	2941 Caldwell Rd., Unit B6	18-272-16-009
William and Cheryl Lane	2941 Caldwell Rd., Unit B4	18-272-16-010
Wallace and Karen Senter	2941 Caldwell Rd., Unit B5	18-272-16-011
Brenda Seneker and Larry Barber	2941 Caldwell Rd., Unit D1	18-272-16-020
Sarah and Stefan Cashwell	2941 Caldwell Rd., Unit D2	18-272-16-021
Elberto Gonzales-Rubio	2941 Caldwell Rd., Unit D3	18-272-16-022
Kelly Caldwell	2941 Caldwell Rd., Unit D4	18-272-16-023
David J. Gibbs	2941 Caldwell Rd., Unit E1	18-272-16-024
Frances Pastore	2941 Caldwell Rd., Unit E2	18-272-16-025
Frances A. Spivey	2941 Caldwell Rd., Unit E3	18-272-16-026
Kim Ellis Gokce	2941 Caldwell Rd., Unit E4	18-272-16-027
Ouida C. Edwards	2940 Caldwell Rd.	18-272-06-001

COMMUNITY MEETING

Application to rezone property located at 2940 Caldwell Road, Alpharetta, GA from R-60 to RM-100 for the purpose of developing a 6 unit attached townhome community

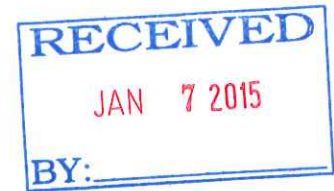
Date: _____, March ____, 2015

Time: 7:00 p.m. to 8:00 pm

Place: _____
Atlanta, Georgia

What is a Community Rezoning Meeting? Community rezoning meetings are designed to inform the surrounding communities of current rezoning and special use permit applications. It's an opportunity for the community to learn about the proposed project, ask questions, present concerns, and make suggestions.





**PRE-APPLICATION FORM
REZONING, SPECIAL LAND USE PERMIT(S) AND
VARIANCE(S)**

Purpose & Process

A Pre-Application Meeting provides you the opportunity to present a conceptual plan and letter of intent to a representative of the Community Development Department. This meeting benefits you, the applicant, by receiving general comments on the feasibility of the plan, the process(es)/procedure(s) and fees required to process and review the application(s). To schedule a meeting contact a member of the Planning and Zoning Department by calling (404) 637 – 0500. This form will be completed during the pre-application meeting, and must be submitted at the same time you submit your application.

Applicant: Redwood General Contractors, LLC


Site Address: 2940 Caldwell Rd. Parcel Size: 0.520 Acres

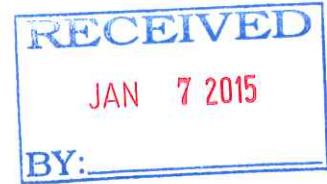
Proposal Description: Developing 6 unit attached townhome development

Existing Zoning Designation and Case Number: R-60

Proposed Zoning Designation: RM-100

Comprehensive Land Use Map Designation: Peachtree Corridor Overlay Dist.

Planner:  Date: 12/29/14



LETTER OF INTENT

and

Other Material Required by
The City of Brookhaven Zoning Ordinance
for the
Rezoning Application

of

Redwood General Contractors, LLC

for

\pm 0.52 Acres of Land
located in
Land Lot 272, 18th District, DeKalb County
Address: 2940 Caldwell Road, Brookhaven, GA 30019

R-60 to RM-100

Submitted for Applicant by:

Dennis J. Webb, Jr.
Robert D. Griest
Smith, Gambrell & Russell, LLP
Promenade, Suite 3100
1230 Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

This Application seeks to rezone a single tract of land totaling \pm 0.52 acres located at 2940 Caldwell Road, Brookhaven, Georgia 30019 (hereinafter the "Subject Property") from R-60 (Single-Family Residential) to RM-100 (Multi-Family Residential) for the development of six (6) single-family attached townhomes. The City of Brookhaven 2034 Comprehensive Plan designates the Subject Property as within the "Peachtree Corridor Overlay District" which allows residential development between 12 and 120 units per acre and fully allows this use. The proposed density is 11.5 units per acre.

The Subject Property is located on Caldwell Road, a tertiary street southeast of and running parallel to Peachtree Road and the MARTA train line between Dresden Drive and Redding Road. To the west, the Subject Property is directly bordered by the Post Brookhaven Apartments (zoned RM-75) and to the east by an eleven-home cluster development on Alden Place Drive (zoned R-A5). South of and directly across Caldwell Road is a condominium complex (Ashford Park Condominium Association, zoned RM-75). The greater area to the south is comprised of traditional single-family neighborhoods (zoned R-75 and R-100). At present, the Subject Property contains a deteriorating one-story, single-family home built in 1951.

The Applicant submits this document as a Letter of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, and a Written Justification for the Application as required by the City of Brookhaven Zoning Ordinance, § 27-1 *et seq.* A site plan has been filed with the Application, along with other required materials.

II. IMPACT ANALYSIS

A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

Yes. The Subject Property is designated by the City's Comprehensive Plan as being within the Peachtree Corridor Overlay District ("Overlay District"). The intent of the Overlay District is to promote "mixed-use, pedestrian-friendly development centered around the Brookhaven MARTA station." The Overlay District expressly allows for townhomes, and recommends residential densities between 12 and 120 units per acre. The proposed development will consist of 11.5 units per acre, which is right at the lower end of the recommended 12 units per acre. Accordingly, the density of the proposed use is in conformity with the Comprehensive Plan.

B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

Yes. The Subject Property is surrounded entirely by similar uses. In fact, the Subject Property is one of the last underdeveloped parcels in the Overlay District,

and rezoning it to the requested RM-100 designation would provide desirable infill redevelopment that fits with the existing uses. The RM-100 zoning district is appropriate as it provides a logical transition between the high-intensity use to the west (Post Brookhaven Apartments) and the medium-intensity use to the east (11-home cluster development). Further, RM-100 is appropriate given the RM-75 development south of and across Caldwell Road. Each of these existing developments being residential in nature, the proposed use is not only suitable, but mandatory.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

No. The Subject Property is located between a significant apartment complex and a medium-density cluster home development. It is also north of and directly across the street from a condominium development. Hence, the Subject Property cannot reasonably be redeveloped under the use and density limitations of the current R-60 zoning classification. Further, the City of Brookhaven, in its Comprehensive Plan, has recognized the Subject Property as being in need of redevelopment at a significantly higher density – between 12 and 120 units per acre. In contrast, the current R-60 zoning allows only a single-family detached dwelling, which is inconsistent with the City’s vision for this area and ultimately strips the Subject Property of its economic value.

The Zoning Ordinance of the City of Brookhaven lacks adequate standards

for the Mayor and City Council to exercise its power to zone and rezone. In essence, the standards are not sufficient to contain the discretion of the Mayor and City Council and to provide the courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance to the Mayor and City Council, the Zoning Ordinance violates the Fifth and Fourteenth Amendments of the Constitution of the United States in matters of zoning. The Zoning Ordinance also violates Article I, Section III, Paragraph 1, and Article I, Paragraphs 1 and 2 of the Constitution of State of Georgia.

The current zoning of the Subject Property is contrary to the best interests and the health and welfare of the citizens of Brookhaven, and constitutes an arbitrary and capricious act. As a result, the Zoning Ordinance is in violation of Article I, Section I, Paragraphs 1 and 2 of the Constitution of the State of Georgia 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia. Furthermore, the current zoning violates the due process clause and equal protection clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

In addition, the current zoning of the Subject Property is unconstitutional in that it renders the Subject Property unusable and destroys its marketability.

Therefore, the current zoning constitutes a taking of the owner's property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the United States Constitution and in violation of Article I, Section I, Paragraph 1 and Article I, Section III, Paragraph 1 of the Constitution of Georgia.

Failure to approve this Application to rezone the Subject Property to RM-100, or to zone the property to any other classification including other intervening classifications, would be contrary to the best interest of the health and welfare of the citizens of Brookhaven, and would further constitute an arbitrary and capricious act. As such, failure to approve this Application would constitute a violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia; and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia, together with the due process clause and equal protection clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

Any limitation on the time for presentation of the issues before the City Council who have the power to zone and rezone is a violation of the guarantees of free speech under Article I, Section I, Paragraph 5 of the Constitution of the State of Georgia and the First Amendment of the Constitution of the United States of

America. Further, said limitations are in violation of the right to petition and assemble, in violation of Article I, Section I, Paragraph 9 of the Constitution of Georgia and the First Amendment of the Constitution of the United States of America as well as the due process clauses of the Constitution of Georgia and the Constitution of the United States of America.

A refusal to allow the use in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph 4 of the Georgia Constitution.

The Zoning Ordinance of the City of Dunwoody is unlawful, null and void in that its adoption and map adoption/maintenance did not comply with the requirements of its predecessor ordinance and/or the Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*

D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

No. All of the surrounding and nearby properties are medium- to high-density residential uses. Thus, the proposed development will be fully consistent with the existing uses on Caldwell Road. Additionally, the proposed increase in density is appropriate as it will provide a logical transition and step-down in density between the highly-intense Post Brookhaven Apartments and the cluster homes on Alden Place Drive. Finally, the proposed townhomes will be developed

in a manner consistent with the existing uses, and all reasonable efforts will be made to eliminate any potentially adverse impacts of the development.

E. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

See Subsection C above.

F. Whether there are other existing or changing conditions affecting the use and development of the property that provide supporting grounds for either approval or disapproval of the zoning proposal.

Yes. The prevailing economic conditions and the development trends in the area support approval of this Application. The Subject Property is located in an area consisting exclusively of medium- to high-density residential development. The City of Brookhaven has expressly recognized this trend by designating the Subject Property as within the Overlay District. Thus, the Comprehensive Plan's vision for the Subject Property, which for the purposes of density recommends—at a minimum—the density of the requested RM-100 classification, provides strong support for the approval of this Application.

G. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.

No. The Applicant is not aware of any historic buildings, sites, districts, or archaeological resources either on the Subject Property or located in the immediate vicinity that would suffer adverse impacts from the approval of this rezoning request.

H. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

No. The proposed development will not overly burden existing streets or transportation facilities. The Subject Property is located on Caldwell Road, which provides direct access to Dresden Drive and Redding Road, and thereafter to Peachtree Road. The Subject Property's current use (single-family home) generates approximately 9.52 total weekday trips, 0.77 AM peak trips, and 1.02 PM peak trips.¹ The proposed use would generate approximately 34.86 total weekday trips, 2.64 AM peak trips, and 3.12 PM peak trips.² This means that the proposed use would generate only 25.34 additional weekday trips, 1.87 additional AM peak trips, and 2.1 additional PM peak trips. Thus, the existing transportation network is more than adequate to accommodate the minor number of additional trips the proposed development will generate.

As for utilities, the Subject Property has existing access to water and sewer. Finally, the proposed development will only create five (5) *additional* single-family homes (in addition to the existing home). According to standardized school

¹ ITE Trip Generation Manual (9th Ed.), "Single-Family Detached Housing", Code 210.

² ITE Trip Generation Manual (9th Ed.), "Residential Condominium/Townhouse", Code 230.

statistics,³ five additional homes would generate approximately 2.75 additional elementary school students, 1.2 additional middle school students, and 1.4 additional high school students. These projected minor additions should not create an undue burden on the local school system.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests approval of this Application to rezone the Subject Property from R-60 to RM-100. The Applicant also invites and welcomes any comments from City staff or other officials so that such recommendations or input may be incorporated as conditions of approval of this Application.

This 7th day of January, 2015.

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Respectfully submitted,



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³ The statistical data was provided by Fulton County, Georgia. Due to the close proximity of Fulton County to DeKalb County, the Applicant believes the data is a reliable indicator of the number of students the proposed use will generate into the DeKalb County public school system. Under the statistical formulation used, one single-family home generates 0.55 elementary students, 0.24 middle school students, and 0.28 high school students.